



**U.S. Citizenship  
and Immigration  
Services**

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 29431767

Date: DEC. 19, 2023

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner, a citizen of Peru, seeks U nonimmigrant classification under sections 101(a)(15)(U) and 214(p) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p). The Director of the Vermont Service Center found the Petitioner inadmissible, and denied her corresponding Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application), as a matter of discretion. The Director then denied the Petitioner's Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that she did not establish her admissibility. The denial of the Petitioner's U petition is now before us on appeal. 8 C.F.R. § 103.3. The Administrative Appeals Office reviews the questions in this matter de novo. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

To establish eligibility for U nonimmigrant classification, petitioners must establish that they are admissible to the United States or that any applicable ground of inadmissibility has been waived. 8 C.F.R. § 214.1(a)(3)(i). To meet this burden, a petitioner must file the waiver application in conjunction with the U petition, requesting waiver of any grounds of inadmissibility. 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv). U.S. Citizenship and Immigration Services has the authority to waive certain grounds of inadmissibility as a matter of discretion. Section 212(d)(14) of the Act, 8 U.S.C. § 1182(d)(14). The denial of a waiver is not appealable. 8 C.F.R. § 212.17(b)(3). Although we do not have jurisdiction to review the Director's discretionary denial, we may consider whether the Director's underlying determination of inadmissibility was correct.

The Director determined that the Petitioner was inadmissible under the following sections of the Act:

- 212(a)(6)(A)(i) - Alien present without admission or parole
- 212(a)(2)(A)(i)(I) - Conviction or commission of a crime involving moral turpitude (CIMT).

The Director further determined that the Petitioner did not warrant a waiver of the applicable inadmissibility grounds as a matter of discretion.

On appeal, the Petitioner concedes inadmissibility based upon section 212(a)(6)(A)(i) of the Act, as an alien present without admission or parole. However, the Petitioner contests the Director's determination of inadmissibility under section 212(a)(2)(A)(i)(II) of the Act, asserting that she "has

only ever been convicted of NYPL section 240.20, Violation, Disorderly Conduct and NY VTL section 1192-1, Infraction, Driving While Ability Impaired,” and did not make a sufficient admission to commission of a CIMT.

As stated above, our review on appeal is limited to whether the Petitioner is in fact inadmissible to the United States and, if so, on what grounds. We do not have the authority to review the Director’s discretionary determination on her waiver application. As the Petitioner does not contest inadmissibility based upon section 212(a)(6)(A)(i) of the Act, has not presented any arguments or evidence that the Director erred in finding her inadmissible to the United States on that ground, and her admissibility has not been waived, she has not overcome the grounds for the Director’s denial.

The Petitioner has not established that she is admissible to the United States or that the applicable grounds of inadmissibility have been waived. Accordingly, she is ineligible for nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

ORDER: The appeal is dismissed.